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Error to Circuit Court, Buchanan County.

Action by John K. Ratliff against Paris Meadows and others. Judgment for defendants, and plaintiff brings error. Affirmed.

S. M. B. Coulling, of Tazewell, *Finney & Stinson*, of Grundy, and *J. Glenn Ratliff*, for plaintiff in error.

Chase & Daugherty, of Grundy, for defendants in error.

CURRY v. LANDES et al.

Nov. 12, 1914.

[83 S. E. 396.]

1. Reformation of Instruments (§ 16*)—Right to Reform.—Where all of the claims now asserted were known to complainant at the time she entered into a compromise agreement with defendant, and complainant was represented by astute counsel, the agreement will not be reformed.

[Ed. Note.—For other cases, see Reformation of Instruments, Cent. Dig. § 68; Dec. Dig. § 16.* 11 Va.-W. Va. Enc. Dig. 903-905.]

2. Reformation of Instruments (§ 45*)—Proceedings—Burden of Proof.—In a suit to reform a written contract, where complainant relied upon fraud, she has the burden of proving such fraud and bad faith on the part of defendant by the clearest and most satisfactory evidence.

[Ed. Note.—For other cases, see Reformation of Instruments, Cent. Dig. §§ 157-193; Dec. Dig. § 45.* 11 Va.-W. Va. Enc. Dig. 905.]

Appeal from Circuit Court, Augusta County.

Bill by G. D. Curry against John A. Landes and another. From a decree for defendants, complainant appeals. Affirmed.

Rudolph Bumgardner and *Jos. A. Glasgow*, both of Staunton, for appellant.

Carter Braxton and *J. M. Perry*, both of Staunton, for appellees.

QUINN-MARSHALL CO. v. WHITTAKER et al.

Nov. 12, 1914.

[83 S. E. 398.]

1. Fraudulent Conveyances (§ 208*)—Statutes—Effect—Subsequent Creditors.—Code 1904, § 2458, providing that every gift, assignment, conveyance, etc., given with intent to hinder, delay, or defraud cred-

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

itors, etc., shall be void, is sufficiently broad to afford relief to subsequent creditors.

[Ed. Note.—For other cases see *Fraudulent Conveyances*, Cent. Dig. §§ 631, 633; Dec. Dig. § 208.* 6 Va.-W. Va. Enc. Dig. 631, 640.]

2. Lis Pendens (§ 3*)—Actions Affecting Property Involved—Lien—Waiver.—Where a suit was brought to set aside a conveyance to secure a creditor, and before the suit had matured the lien was released, and there was no allegation of fraud, except as to the conveyance attacked, which transferred a shifting stock of merchandise, but plaintiff, in addition, assented to the debtor's continuing his business until other creditors had been paid in full and complainant had received from sales of the debtor's property more than half of its debt, but took no steps to perfect a statutory lien on the merchandise, which finally passed into the hands of trustees with complainant's assent, any lien that it might otherwise have obtained by filing a lis pendens, as provided by Code 1904, § 2460, was waived.

[Ed. Note.—For other cases, see *Lis Pendens*, Cent. Dig. §§ 3-8; Dec. Dig. § 3.* 9 Va.-W. Va. Enc. Dig. 456-7.]

Appeal from Circuit Court, Pulaski County.

Suit by the Quinn-Marshall Company against R. A. Whittaker and others. Decree for complainant for less than the relief demanded, and it appeals. Affirmed.

Wysor & Gardner, of Pulaski, for appellant.

H. C. Gilmer and *A. T. Eskridge*, both of Pulaski, for appellees.

NATIONAL UNION FIRE INS. CO. *v.* BURKHOLDER.

Nov. 12, 1914.

[83 S. E. 404.]

1. Appeal and Error (§ 999*)—Verdict—Conclusiveness.—Questions fairly submitted to the jury are concluded by the verdict.

[Ed. Note.—For other cases, see *Appeal and Error*, Cent. Dig. §§ 3912-3921, 3923, 3924; Dec. Dig. § 999.* 1 Va.-W. Va. Enc. Dig. 438.]

2. Trial (§ 75*)—Objections—Time.—Where the insurer claimed that the insurance was excessive, and admitted without objection evidence that the house could be rebuilt for \$800, its objection to the competency of evidence that it would cost \$1,200 or more to rebuild was properly overruled.

[Ed. Note.—For other cases, see *Trial*, Cent. Dig. §§ 171-182, 252; Dec. Dig. § 75.* 5 Va.-W. Va. Enc. Dig. 369.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.